

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
2012 MAR 29 PM 1:41  
LAURA A. BRIGGS  
CLERK

JANET M. HARRIET,

Plaintiff,

vs.

YMCA OF MONROE COUNTY, INC.

Defendant.

**1:12-cv-0400 WTL -DML**

Cause No. \_\_\_\_\_

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff files her Complaint for disability discrimination in employment against  
Defendant YMCA of Monroe County, Inc. as follows:

PARTIES

1. Plaintiff Janet M. Harriet is an adult female citizen residing in Bloomington, Monroe County, Indiana. Her date of birth is July 6, 1965.

2. Defendant YMCA of Monroe County, Inc. is a nonprofit corporation which operates a fitness center at 2125 S. Highland Avenue, Bloomington, Monroe County, Indiana.

JURISDICTION AND VENUE

3. Venue lies in this Court pursuant to 28 U.S.C. Section 1391.
4. This action is brought for violation of the Americans With Disabilities Act, 42 U.S.C. Section 12101 et seq. The Court has jurisdiction pursuant to 29 U.S.C. Section 626.
5. In September, 2011, Plaintiff filed timely charges of disability discrimination in employment with the U.S. Equal Employment Opportunity Commission. She received a right to

sue letter from EEOC in January, 2012. This Complaint is being brought within ninety days of receipt of the Notice by Plaintiff.

### FACTS

7. Plaintiff is a "qualified person with a disability" under the Americans With Disabilities Act because she has a physical impairment which substantially limits one or more of her major life activities, she had a record of such impairment, and/or she was regarded as having such impairment by Defendant.

8. Plaintiff was employed by Defendant as a Welcome Center Staff person at its fitness center at 2125 S. Highland Avenue, Bloomington, Monroe County, Indiana from October 6, 2010 until she was terminated without good cause on August 19, 2011.

9. At all times pertinent hereto Plaintiff performed and/or could have performed her job duties in an adequate manner with minor accommodation from Defendant.

10. At or shortly before the time she was terminated, Plaintiff was accused by Defendant of not "carrying her weight" and of being too slow. She was also told that it was sometimes difficult for others to understand her over the phone. Defendant also expressed dissatisfaction with Plaintiff having to take brief breaks to utilize an inhaler.

11. Plaintiff's disability was a factor in Defendant's decision to terminate her employment.

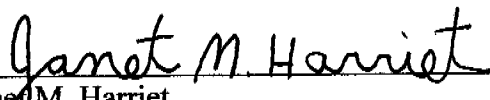
12. Defendant's actions in terminating Plaintiff in whole or in part due to her disability are a violation of the federal Americans With Disabilities Act.


13. Plaintiff has suffered damages as a result of the discrimination, and such discrimination was willful, intentional, or done with reckless disregard of

Plaintiff's rights.

WHEREFORE, Plaintiff prays that she be awarded judgment in this cause and that the Court order Defendant to cease and desist from violations of federal law and to pay to Plaintiff damages to fully compensate her for the violations, including but not limited to payment of lost wages and benefits, front pay, compensatory damages, reasonable attorney fees and costs of litigation, prejudgment and post-judgment interest, and for all other just and proper relief.

Respectfully submitted,

  
\_\_\_\_\_  
Janet M. Harriet  
Plaintiff

  
\_\_\_\_\_  
Deborah E. Albright  
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Comes now Plaintiff, by counsel, and prays that the Court set this cause for trial by jury on all issues so triable.

  
\_\_\_\_\_  
Deborah E. Albright

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